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PATENT
450100-04709

AUG 31 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Hiroyuki SUGAWARA et al.
Serial No. : 10/638,988
For : DATA STORAGE SYSTEM
Filed : August 12, 2003
Examiner : Olubusola Oni
Art Unit : 2168
Confirmation No.: 6298

745 Fifth Avenue
New York, NY 10151

FACSIMILE I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, Facsimile No. (571) 273-8300, on the date shown below. <u>PATRICIA A. DUBYNE</u> Typed or printed name of person signing certification <u>Patricia A. Dubyne</u> Signature August 31, 2006 Date of Signature
--

AMENDMENT UNDER 37 C.F.R. §1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on July 27, 2006 having a three-month statutory period for response set to expire on October 27, 2006, please consider the following remarks.

AUG 31 2006

FROMMER LAWRENCE & HAUG LLP

745 Fifth Avenue
New York, New York 10151
Telephone: (212) 588-0800
Facsimile: (212) 588-0500
E-mail: Firm@flhlaw.com

FACSIMILE COVER LETTER

To: Commissioner for Patents
Examiner Olubusola Oni

Firm: U.S. Patent and Trademark Office
Art Unit 2168

Facsimile: (571) 273-8300

From: Paul A. Levy

Date: August 31, 2006

Re: FLH Ref No.: 450100-04709
Serial No.: 10/638,988

Number of Pages: 8
(including cover page)

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PATENT
450100-04709**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED**
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 Serial No. : 10/638.988
 Filed : August 12, 2003
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745 Fifth Avenue
 New York, NY 10151
 Tel: 212-588-0800

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

- Transmitted herewith is an amendment in the above-identified application.
- ☒ No additional fee is required.
☐ The fee has been calculated as shown below.
☐ This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	6	Minus	20	x	\$50 (25)	= \$00.00
Independent claims	1	Minus	3	x	\$200 (100)	= \$00.00
Total additional fee for this amendment						\$00.00

- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
 ** If the highest number of total claims previously paid for is less than 20, write "20" in this space.
 *** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

- ☐ This application contains a multiple dependent claim. The required fee of \$360.00 has been previously paid ☐, or is paid herewith ☐.
- ☐ This response is being filed within the month following the expiration of the term originally set therefor. This is a petition to request a -month extension of time. A check covering the cost of the petition is enclosed.
- ☐ A check in the amount of \$ is attached, which covers the cost of ☐ additional claims ☐ petition for extension of time.
- ☐ Charge \$ to Deposit Account No. 50-0320.
- ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

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PATRICIA A. DUBYNE

Type or print name of person signing certification

Patricia A. Dubyne

Signature

August 31, 2006

Date of Signature

Respectfully submitted.

FROMMER LAWRENCE & HAUG LLP
 Attorneys for Applicant(s)

By:

Paul A. Levy
 Reg. No. 45,748
 Tel: 212-588-0800